

**STATUS OF BENEFITS FACT SHEET  
UPON  
ENTERING ACTIVE MILITARY DUTY  
WHEN EMPLOYEE ELECTS LWOP IN LIEU OF SEPARATION  
(5CFR 353)**

PAY: Once the employee is performing active military duty, compensation will be based on the terms of his or her military pay grade. Compensation for the civilian position will not be received unless the employee elects to use military or annual leave.

ANNUAL LEAVE: While in a nonpay status, you will not accrue any annual or sick leave. You must state in writing whether you want any unused annual leave to be paid in a lump-sum or if you want your annual leave held until you return. (5 USC 5552)

LIFE INSURANCE: Your life insurance coverage will continue for up to 12 months in a nonpay status. At the end of 12 months, your coverage terminates and you will receive a 31-day extension of coverage and have the right to convert to a nongroup policy.

HEALTH INSURANCE: You may continue your health insurance coverage for up to 18 months, or you may elect to terminate your enrollment. If you continue coverage, you are responsible for the employee share of the premiums for the first 12 months. You can either pay the premiums on a current basis, or you can incur a debt to the government and repay it when you return to active Federal civilian service. During the last 6 months of the 18-month period, you must pay the employee and government share, plus an additional 2 percent of the total premium, on a current basis.

If you elect to terminate your coverage, it must be terminated effective on the day you are separated, furloughed, or placed on leave of absence for entering military service. You and your family members are entitled to a 31-day extension of coverage and to convert to an individual contract.

THRIFT SAVINGS PLAN (TSP): No contributions can be made, either by the agency or the employee, for any time in a LWOP status or for a period of separation. You may make up TSP contributions missed as a result of your military service. You may qualify for make up contributions when you are released from military service and subsequently restored to a position covered by FERS or CSRS. To make up missed TSP contributions, you must submit a written request to your servicing personnel office within one year of the date of your restoration to civilian service.

RETIREMENT: If placed on LWOP, death and disability benefits continue under your retirement system, as applicable. Military service is potentially creditable service. In order to receive credit for military service, a deposit may be required. If the military deposit is paid before the interest accrual date (within 3 years of returning to a covered position) no interest is charged on the military deposit.

RETURN TO DUTY: Employees who serve less than 31 days must report back to work following their release from service and the expiration of 8 hours after a time for safe transportation back to the employee residence.

APPEAL RIGHTS: An individual who believes this agency has not complied with the provisions of law relating to employment or reemployment may:

- (a) File a complaint with the Department of Labor; or
- (b) Appeal directly to the MSPB if the individual chooses not to file a complaint with the Department of Labor, or is informed by either Labor or the Office of Special Counsel that they will not pursue to the case.

LENGTH OF SERVICE: To be entitled to restoration rights under 5 CFR 353, cumulative service in the uniformed services while employed by the Federal Government may not exceed 5 years.

If you have any questions or need additional information, please contact your Office of Civilian Personnel Command Staff Advisor.